

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Acceleration of Broadband Deployment)	WC Docket No. 11-59
Expanding the Reach and Reducing the)	
Cost of Broadband Deployment by)	
Improving Policies Regarding Public)	
Rights of Way and Wireless Facilities Siting)	

REPLY COMMENTS OF THE LEAGUE OF OREGON CITIES

The League of Oregon Cities files these reply comments in response to the filings of others in this proceeding.

A. INTRODUCTION

The League of Oregon Cities (the League) is an intergovernmental entity under Oregon Revised Statutes Chapter 190. Originally founded in 1925, the League is a voluntary statewide association representing all of Oregon's 242 incorporated cities. The League's mission is to be the effective and collective voice of Oregon's cities and their authoritative and best source of information and training. The League fulfills that mission through advocacy for city government at the state and national levels and by providing information, technical assistance, training, conferences, and workshops to local elected officials and city staff. Simply put, the League aims to protect its members and to provide them with timely information and resources on matters of concern and interest.

In filing these reply comments, the League incorporates by reference its opening comments filed previously in this proceeding.

B. INDUSTRY FAILS TO PROVE THAT LOCAL PRACTICES ARE OBSTACLES TO THE DEPLOYMENT OF BROADBAND WHERE THE OVERWHELMING MAJORITY OF INDUSTRY’S COMMENTS CALL OUT LOCAL PRACTICES OF CITIES OR COUNTIES THAT ALREADY HAVE SIGNIFICANT BROADBAND AVAILABILITY

Of Oregon’s 242 cities, only four cities were named by industry as allegedly having local practices that act as impediments to broadband deployment. Three of the four cities, Bend, Eugene and Portland, rank in the top ten of Oregon’s most populated cities. Portland has the highest population followed by Eugene. Not coincidentally, the more populous cities tend also to be commercial centers—these Oregon cities are no exception. This combination of residential and commercial subscribers results in significant broadband availability.

Industry’s argument that local practices are impediments to broadband deployment is, at best, disingenuous. That argument relies on an assertion of impediments to service in those cities where, even though the regulatory regime is the most mature and complex, the record of service establishes beyond doubt that cities have successfully worked with broadband providers to deploy broadband. At the same time, the industry’s argument ignores the other 238 Oregon cities where, even though the regulatory regime is much less, or non-existent, industry chooses not to provide broadband service.

The League encourages the Commission to interpret industry’s inability to link slow deployment of broadband to local practices as failure to demonstrate an issue that requires Commission action. Further, the League urges the Commission to conclude that delays in deployment are the result of industry’s unwillingness to invest in locations that do not offer—in industry’s opinion--the right combination of market and population.

C. THE COMMISSION MUST CAREFULLY CONSIDER CITIES' REPLY COMMENTS IN DETERMINING THE COMMISSION'S NEXT STEPS

The comments filed in this proceeding by private industry and its associates name a great number of local governments and call them out as “bad actors.” Prior to the close date of this proceeding, the Commission will receive a number of reply comments filed by the very local governments referred to in industry’s comments. As provided above, only four of the 242 cities in Oregon were named in industry’s comments. That is equal to 1.65% of Oregon cities; hardly enough to warrant Commission’s action. Particularly when the vast majority of the examples used by industry are taken out of context; refer to now replaced or updated ordinances; or are simply false statements or misrepresentations. The four Oregon cities will file or have already filed comments in this proceeding that set the record straight. Accordingly, the League respectfully requests the Commission to carefully review local governments’ reply comments and to give these reply comments appropriate weight in determining the Commission’s next steps.

D. CONCLUSION

As stated in its previous comments, the League understands that the Commission is charged with ensuring that broadband is deployed in a reasonable and timely fashion. However, as evidenced by industry’s lack of evidence, any perceived relationship between impediments to the deployment of broadband and local practices related to rights of way and facilities siting is unfounded. Instead, there is substantial evidence indicating that Oregon communities without broadband are not served because private broadband providers have determined that these communities do not pass market feasibility. Ironically, these unserved areas also tend to be communities that have the least amount of local regulations. Thus, there may be obstacles to saturating Oregon with broadband availability—such as economic and market conditions, but

local practices related to the right of way and facilities siting are not those obstacles. The League thanks the Commission for the opportunity to comment in this proceeding.

Respectfully submitted,

The League of Oregon Cities
P.O. Box 928
Salem, OR 97308